

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

RESOLUTION No. 2020-119

A motion was made by Mayor McEvoy; seconded by Councilman Ryan that the following resolution be adopted:

**PERMITTING TEMPORARY ZONING PERMITS FOR SIDEWALK CAFES
AND OUTDOOR RESTAURANT SEATING DURING THE COVID-19
PANDEMIC SHUTDOWN RECOVERY**

WHEREAS, restaurants are an integral part of the local economies and social fabrics of municipalities; and

WHEREAS, policies regarding restaurants established by the State of New Jersey through law, regulation and executive order rightfully prioritize public health; and

WHEREAS, the proper adherence of measures to mitigate the spread of the Covid-19 virus has greatly affected the business model of restaurants; and

WHEREAS, the Township wishes to help its local businesses through this difficult time;

WHEREAS, many restaurants are owned and operated by local families that depend upon continued economic activity; and

WHEREAS, the Township has promoted the take-out and home delivery services of restaurants as residents have quarantined at home; and

WHEREAS, restaurant owners are seeking guidance as to how they may safely resume dine-in service upon an eventual broadening of business activity allowable under state authority; and

WHEREAS, the Township supports and follows the recommendations of health care professionals to continue proactive measures such as social distancing to curtail the spread of the Covid-19 virus; and

WHEREAS, the Township supports temporary, practical measures that enable restaurants to augment their dine-in capabilities as a means to boost customer activity.

NOW THEREFORE BE IT RESOLVED, the Mayor and Township Council of the Township of Verona in the County of Essex in the State of New Jersey hereby agree as follows:

1. Temporary Zoning Permits for Sidewalk Cafes and Outdoor Restaurant Seating as defined in § 150-7.22 and 150-7.23 in the Township Zoning Ordinance shall be permitted. Temporary Zoning Permits shall be issued by the Zoning Officer. All Temporary Zoning Permits issued pursuant to this Resolution shall expire on October 31, 2020.
2. Temporary Zoning Permits issued pursuant to this Resolution shall not require the filing of a Site Plan Application or require Site Plan Approval from the Planning Board.
3. A Temporary Zoning Permit issued pursuant to this Resolution must be obtained prior to the creation of any outdoor seating not already permitted by the regular Site Plan Approval process.
4. A drawing of the proposed Sidewalk Café or Outdoor Restaurant Seating area must accompany the Temporary Zoning Permit Application. This drawing shall show the location and size of all proposed tables and chairs and distances to other tables and chairs. All distance separations shall comply with all applicable Executive Orders issued by the Governor of the State of New Jersey, as well as any other requirements, conditions and/or limitations in any applicable Executive Orders. Where available,

the sketch shall be superimposed upon an existing site plan drawing or survey. The drawing need not be drawn to scale.

5. There shall be no fees for filing for this Temporary Zoning Permit.
6. The Township shall expedite the review of all Applications seeking to obtain a Temporary Zoning Permit for a Sidewalk Café or Outdoor Restaurant Seating pursuant to this Resolution.
7. The regulations for Sidewalk Cafes set forth in § 150-7.22(B) in the Township Zoning Ordinance shall remain in full force and effect unless waived or modified by the Zoning Officer if he deems appropriate for the fulfilment of this Temporary Zoning Permit except that § 150-7.22(B)17 and § 150-7.22(B)18 shall be non-waiveable requirements.
8. The regulations for Outdoor Restaurant Seating set forth in § 150-7.23 in the Township Zoning Ordinance shall remain in full force but may be waived by the Zoning Officer if he deems appropriate for the fulfilment of this Temporary Permit except that site plan approval shall not be required.
9. The following standards are hereby created in connection with outdoor restaurant seating:
 - a. The outdoor restaurant seating area may not exceed 1,000 square feet;
 - b. Outdoor restaurant seating areas can be located upon public sidewalks where adequate provision is made for the pedestrian public, on relatively level grass areas, and in parking lots where an adequate number of parking stalls remain in the opinion of the Township Zoning Officer. Preference should be given to creating outdoor restaurant seating on sidewalks and upon grass areas.
 - c. Partitions, planters, tables, chairs and related sidewalk café equipment shall be removed during nonbusiness hours.
 - d. Where a sidewalk café is located next to another commercial establishment that is not open during hours that the café is in operation, the sidewalk café may extend laterally into the adjacent sidewalk area provided:
 - i. The operator of the sidewalk café has written consent from the adjacent business owner and the property owner to utilize said area; a copy of the written consent shall be provided to the Township;
 - ii. Liability insurance is provided by the sidewalk café operator indemnifying the property owner and the Township; and
 - iii. All entrances and exits of the buildings remain clear of sidewalk café equipment.
 - e. Where outdoor seating is proposed to be created in a parking lot, bollards or other protection structures shall be erected along the perimeters of the outdoor restaurant seating area in order to enhance public safety;
 - f. Temporary lighting will be required if the outdoor restaurant seating area is proposed to be utilized after dusk. Temporary lighting cannot produce glare onto the existing roadway which could impair driver's vision. The use of LED style lights is prohibited;
 - g. Landscaping of the perimeter of or within the outdoor restaurant seating area will not be required but may be proposed by the applicant;
 - h. An awning or umbrellas may be utilized within an outdoor restaurant area. Umbrellas, if used, must be securely anchored with a concrete or sand filled base;
 - i. Serving stations and a host podium shall not be located within an outdoor

restaurant seating area;

- j. No change in grading will be permitted in order to create an outdoor restaurant seating area, and no temporary flooring or mats may be utilized;
 - k. The proposed hours of operation of the outdoor restaurant seating area will be included in the Temporary Outdoor Restaurant Seating Application;
 - l. No outdoor restaurant seating area may be located within an approved delivery area/loading zone;
 - m. Restaurants with existing outdoor seating areas may seek to expand the existing area;
 - n. The proposed outdoor restaurant seating area may not affect the effective functioning of a prior approved site plan;
 - o. Any Sidewalk Café or Outdoor Restaurant Seating with a previously secured site plan approval from the Township Zoning Board of Adjustment or Planning Board must remain in compliance with its existing site plan approval;
 - p. The consumption of alcoholic beverages will continue to be regulated by the New Jersey Alcoholic Beverage Control Commission therefore all applicants are responsible for verifying that their liquor license permits the serving of alcohol outdoors;
 - q. In multi-tenanted properties, an approved outdoor restaurant seating area must be discontinued or reduced in size if other retail, personal service and/or commercial establishments are permitted to reopen and there is not then an adequate number of parking stalls available in the discretion of the Township Zoning Officer;
 - r. An approved outdoor restaurant seating area must be discontinued or reduced in size if proper social distancing is not maintained or the restaurant establishment does not comply with applicable sanitary and cleaning standards, use of masks and partitions or other Executive Order requirements issued by the Governor;
 - s. All outdoor seating areas must be closed by 10:00 pm;
 - t. The use of propane style patio heaters on the sidewalks is prohibited.
 - u. Restaurants shall provide access to premises for use of restrooms. No portable toilets shall be permitted.
 - v. No portable generators shall be permitted
 - w. No tents, canopies or extensions to the existing awnings are permitted for Sidewalk Cafes.
 - x. The Township Zoning Officer shall have the discretion to create additional standards for a particular property and to fashion such conditions as may be necessary to further the purposes of the Township Zoning Ordinance;
 - y. All Covid-19 protocols for food or beverage establishments offering service in outdoor areas pursuant to Executive Order No. 150 and listed in the New Jersey Department of Health Executive Directive No. 20-014 shall be followed
10. The Township of Verona reserves all rights, privileges and immunities concerning its inalienable ownership over all sidewalks, streets, public lanes, alleys or other public grounds within the Township, whether or not any projection or encumbrance has been permitted to be erected on the same, without any waiver of such rights, privileges or immunities, whether expressed or implied.

11. The Township of Verona expressly reserves the right to require the removal of any or all encroachments of the public right-of-way, and other such encumbrances upon any sidewalk, street, public lane, alley or other public ground that present a danger to the health, safety and welfare of the public.
12. As part of the petition process, the grantee of any revocable consent must agree to defend, protect, indemnify and hold harmless the Township of Verona, its' officers, agents and employees from and against any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of, or which may arise out of, the grantee's use of the public right-of-way.
13. The Township of Verona shall establish an outdoor public eating area on the Township Green located in the Township Municipal Plaza that restaurant patrons are encouraged to utilize for the consumption of take-out food from Verona's restaurants.
14. This Resolution shall take effect on June 15, 2020 pursuant to Executive Order No. 150.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT THE REGULAR MEETING HELD ON JUNE 8, 2020.


JENNIFER KIERNAN
MUNICIPAL CLERK

